## Text of the Notification of the First Office Action

The following defects exists in the present application:

1. Claim 1 does not conform to Article 22.3 of Chinese Patent Law.

Reference 1 (CN1332924A) discloses a method and internet system for distributing digital contents (page 2 of the specification, Figure 1B) that attempts to improve response times and reduce the total networkpayload by automatically selecting for use a sever located relatively close to a requesting host (equivalent to a user terminal in claim 1); said server can be a mirror server providing the same service as source server (equivalent to FTP servers in claim 1) or alternative server providing slightly adapted variants of the same service ( equivalent to the edge server in claim 1). The difference between the technical solution of claim 1 and Reference 1 is that claim 1 further includes a management PC for collecting digital content, uploading the collected digital content to FTP servers, and giving commands to an edge server so as to download the digital contents in advance from FTP servers, as well as limiting the edge server and the user terminal in the same network. It is easy for the person skilled in the art to employ a PC to collect the digital contents and upload them to FTP servers which store them and provide the network service without creative work. At the same time, the mirror server or the alternative server disclosed in Reference 1 provides the same service as the source server or the same service with a slightly adapted variants, whereby the person skilled in the art can deduce that "the edge server can be a mirror server or an alternative server to replace FTP server to provide the same service for a user terminal by downloading the digital contents to the edge server in advance from the FTP servers" by combining with the known knowledge. Furthermore, Reference 1 also discloses that a sever located relatively close to a requesting host means that the geographic distance between the server and the requesting host is short or the number of routers therebetween is less, the purpose of such selection is to take a shorter time for the requesting host to obtain a response from a closer server and a less network payload resulting from transmission of the digital contents. The further definition that the edge server and a user terminal are located in the same network in claim 1 is for the same purpose as that in Reference 1, i.e., make the user terminal relatively close to the edge server to reduce the response time and the network payload. However, such limit is a common technical means to be adopted by the person skilled in the art.

Known from the above, it is obvious for the person skilled in the art to obtain the technical solution of claim 1 by combining the known knowledge on the basis of Reference 1 without creative work. Therefore, claim 1 possesses no inventiveness relative to Reference 1 according to Article 22.3 of Chinese Patent Law.

2. Claim 2 does not conform to Article 22.3 of Chinese Patent Law.

The additional technical feature of claim 2 further defines that "the edge server acquires information from the management PC to identify the least loaded FTP sever where plural FTP servers are deployed and according to the above information, downloads the digital contents in advance from the least loaded FTP server". In fact, the load-balancing schemes have been widely used in the art and known well by the person skilled in the art. Furthermore, in the part of "Description of Related Art" in Reference 1, the load-balancing schemes which attempt to select a particular mirror server based on load distribution requirements is also mentioned as prior art. Therefore, based on known knowledge, the person skilled in the art can easily realize to use such technical scheme: the edge server acquires information with the least loaded FTP server and download the digital contents to reduce the network payload. Therefore,

when claim 1 possesses no inventiveness, claim 2 also possesses no inventiveness according to Article 22.3 of Chinese Patent Law.

3. Claims 15 and 16 do not conform to Article 22.3 of Chinese Patent Law.

Known from the above analysis made for claim 1, claims 15 and 16 possess no inventiveness according to Article 22.3 of Chinese Patent Law, either.

4. There a typo existing in the specification.

"VoB server 211" on line 7, page 6 in the Chinese specification should be amended as "VoD server 211".

The applicant should carefully amend the application documents to overcome the above defects, otherwise the application will not be granted. It should be noted that the applicant should make an amendment according to the opinions indicated in the First Office, otherwise the application documents will not be accepted.

## IMPS-03(50)(对此大件) Unpo3(43)是如



## 中华人民共和国国家知识产权局

邮政编码: 100029 北京市朝阳区社	发文日	HI CONTRACTOR OF THE PARTY OF T		
申请号:031459064				
申请人:吉本万寿夫,中	9角龙造			
发明创造名称:用于分	派数字内容的系统和方	法以及一种边缘服务	·器	
	<b>V</b> 1-	审 查 意 见 通 知		
行实质审查。 □根据专利法第 35 2. □申请人要求以其	专利局的申请日 20 专利局的申请日 专利局的申请日 专利局的申请日 专利局的申请日 经原申请国受理机关证 经原申请国受理机关证 经先权要求。 一日提交的 不符	田识产权局决定自行 03 年 02 月 14 日为 年 月 日为仇 年 月 日为仇 年 月 日为仇 年 月 日为仇	对上述发明专利申请进优先权日,	专利审查业务章 105
□ ★通知	□审查是针对下述申 青文件的权利要求第 日提交的权利要: 日提交的权利要: 日提交的权利要: 日提交的权利要:	项、说明书第 求第 项、说明书第 求第 项、说明 求第 项、说明 的要, 年 的。 分后的审查过程中继	书第 页、附图第   书第 页、附图第   书第 页、附图第   月 日提交的摘	
l 6. 审查的结论性意见: □关于说明书: □申请的内容原	CN 1.332924A 属于专利法第 5 条规定的	2002. 1. 2 ]不授予专利权的范围		

由逾期不答复,其申请将被视为撤回。

(2)申请人对其申请的修改应符合专利法第 33 条的规定,修改文本应一式两份,其格式应符合审查指南的有

(3)申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处,凡未邮寄或递交给受理 处的文件不具备法律效力。

(4)未经预约,申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

本通知书正文部分共有	2	_页,并	附有	下述附值	件:	
[7]引用的对比文件的复印作			_份_	35	_页。	LI

审查员:解欣(9326) 2005年2月22日

## 第一次审查意见通知书正文

该申请存在以下缺陷:

1. 权利要求1不符合专利法第二十二条第三款的规定。

对比文件 1(CN1332924A)公开了一种因特网中分配数字内容的方法和系统(说 明书 2 页, 附图 1B), 该方法是通过自动选择离请求主机(相当于权利要求 1 中 的用户终端)较近的服务器来改善请求主机得到响应的时间并降低了总的网络负 荷,所述服务器可以是提供与源服务器(相当于权利要求1中的 FTP 服务器)相 同服务的镜像服务器或提供相同服务的有少许修改的变体的替代服务器(相当于 权利要求1中的边缘服务器)。权利要求1技术方案与之不同之处在于还包括有一 管理 PC, 用于收集数字内容, 并将收集到的数字内容上载到 FTP 服务器, 且向边 缘服务器下达指令使其提前从 FTP 服务器下载数字内容,以及限定了所述边缘服 务器与用户终端处于同一网络中。而对于本领域技术人员来说, 采用一 PC 来收集 所述数字内容并将其上载到存储数字内容并提供网络服务的 FTP 服务器是显而易 见的技术手段, 无需花费创造性劳动即可想到; 同时, 对比文件 1 中所公开的镜 像服务器或替代服务器提供与源服务器完全相同或有少许修改的相同的服务,本 领域技术人员在此基础上利用公知常识即可意识到在权利要求1中,通过提前从 FTP 服务器下载数字内容到边缘服务器,从而使得边缘服务器作为镜像服务器或 者替代服务器来替代 FTP 服务器向用户终端提供相同的服务; 并且,对比文件 1 中还阐明了所述离请求主机较近的服务器的含义是服务器与请求主机之间的地理 距离或其间路由器的数量较少,如此选择的目的在于请求主机得到该较近服务器 响应的时间较少且传输数字内容导致的网络负荷也较少。权利要求1中进一步限 定了所述边缘服务器与用户终端处于同一网络实际上也是出于同一目的,即使得 用户终端离边缘服务器"较近"从而减少响应时间和网络负荷,这样的限定对于 本领域技术人员来说也属于显而易见会采取的技术手段。

综合上述分析可以得出,本领域技术人员在对比文件 1 的基础上结合公知常识,显而易见的可以得出权利要求 1 的技术方案,而无需花费创造性劳动。因此,权利要求 1 相对于对比文件 1 不具有创造性,不符合专利法第二十二条第三款的

规定。

2. 权利要求 2 不符合专利法第二十二条第三款的规定。

权利要求 2 附加技术特征中进一步限定了所述管理 PC 向边缘服务器提供若干FTP 服务器中具有最低负载的 FTP 服务器的信息,所述边缘服务器提前从具有最低负载的 FTP 服务器下载数字内容。事实上,负载平衡技术已经成为本领域中的广泛采用的常用技术手段,这一点已为本领域技术人员所熟知。且对比文件 1 说明书背景技术部分中也提到了现有技术中已经存在例如根据负荷的分配要求来选择特定的镜像服务器这样的负载平衡法。因此,本领域技术人员在此基础上,结合公知常识完全可以意识到在边缘服务器从若干 FTP 服务器中下载数字内容的时候采用这样的技术手段,即从管理 PC 获得具有最低负载的 FTP 服务器的信息并从其上下载数字内容从而减少网络负荷。因此,当权利要求 1 不具有创造性时,权利要求 2 也不符合专利法第二十二条第三款的规定。

3. 权利要求 15, 16 不符合专利法第二十二条第三款的规定。

根据对权利要求 1 的评述容易得出,权利要求 15,16 同样不具有创造性,不符合专利法第二十二条第三款的规定。

4. 说明书中存在错别字。

说明书第6页第7行"VoB服务器211"应为"VoD服务器211"

申请人应认真修改申请文件以克服上述缺陷,否则该申请将不能被授予专利权。并且需要注意的是,申请人在对申请文件作出修改时,必须针对第一次审查意见通知书中指出的问题进行修改,否则将可能导致申请文本不予接受。